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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/694,854	08/08/96	HAZENFIELD J	32927

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EXAMINER

WEAVER, S

ART UNIT PAPER NUMBER

2742

DATE MAILED: 06/01/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/694,854

Applicant(s)
Hazenfield

Examiner
Scott L. Weaver

Group Art Unit
2742



☒ Responsive to communication(s) filed on Apr 16, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 18-29 is/are allowed.

☒ Claim(s) 1-4, 6, 7, 13, and 30-32 is/are rejected.

☒ Claim(s) 5, 8-12, 14-17, and 33-35 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 and 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Part III DETAILED ACTION

Drawings

1. The drawings are objected to because of the reasons as noted on the Form PTO 948. Correction is required.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Objections

3. Claims 7 and 30 are objected to because of the following informalities:
In claim 7, on (ln.3) "comprisng" should be "comprising".
In claim 30, on (ln.27) insert "device" after "input"
Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 13, and 30-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, on (ln.3) with reference to "said list of said messages", it is not clear as to the proper antecedence for such phrase, it is not clear if this is definitely referring to the "playlist", or the "list of titles" which were referred to in claim 12.

In claim 30, on (ln.27) reference to "said input" is unclear as it is not definite if this intends to refer to 'an input device' as per (ln.7) or to 'an input of the message output apparatus' as per (ln.14-15). On (ln.27) reference to "said output circuit" lacks positive antecedence, it is not clear if this intends to refer to 'the output apparatus' or to the 'output of the output apparatus'.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371^o of this title before the invention thereof by the applicant for patent.

6. Claims 1-4 and 6-7, are rejected under 35 U.S.C. § 102(e) as being anticipated by Dimitriadis et al. (#5,664,948).

The claims read on Dimitriadis as follows: Dimitriadis teaches, with respect to claim 1, a programmable message delivery system for playing messages on message playback devices at one or more remote sites (figure 1; col.2,ln.3-21), the system including a communications link (22,26, 42, 50, 52), wherein the communications link includes a radio frequency link (col.3,ln.42-55) as pertains to claim 2, Dimitriadis further teaches the system includes a plurality of message playback devices (100; col.9,ln.44-47) each including a storage for storing messages and a means to enable the playing of selected messages through an output of the device (figures 2, 3, col.4,ln.24-39), Dimitriadis further teaches a computer remotely located from the playback devices (20a, 30, col.3,ln.28-67) operable to generate and transmit control signals via the communications link to control the playback devices (col.9,ln.37-47), each of playback devices are further taught as being able to receive the control signals and in accordance with the control signal to access one message from storage and provide such as output. With respect to claim 3, Dimitriadis teaches the control signals transmitted to a plurality of message playback devices and the control signals include directly addressing certain ones of the plurality of message playback devices, (col.9,ln.37-47; col.7,ln. 34-48) each of the devices including a receiver circuit and a processor to operate in accordance with the control signals if addressed thereto (by reference to the processing of the data packets).

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With respect to claim 4, Dimitriadis teaches the data relates to subsets of the message playback devices (col.9,ln.37-47) to control specific ones of the message playback devices.

With respect to claim 6, Dimitriadis teaches the message playback devices include a processing device, storage device for storing messages as files (see indexing via figure 2, col.4,ln. 40-62; col.5,ln. 52- 65) and a receiver adapted to receive control signals via the link (62, 64, 80), the computer being programmable to generate the control signals (packets) which cause the processing device to access one of the files and play a message through the output.

With respect to claim 7, Dimitriadis teaches the message output device is at least a public address system (by reference to a radio broadcast system).

7. Claim 32, is rejected under 35 U.S.C. § 102(e) as being anticipated by Yashiro (#5,418,527).

The claims read on Yashiro as follows: Yashiro teaches with respect to claim 32, a remotely controllable message playback device for playing selected messages from an optical disc (CD) including an optical disc system for playing at least one optical disc and providing signals generated therefrom to an output (col.2,ln.48-58), first processor (35 figure 1) to generate control signals to control operation of the optical disc system (col.3,ln.33-col.4,ln.18), a receiver unit (31), a second processor (32) connected to the first processor and receiver unit (figure 1), the receiver unit being operable to receive command signals transmitted thereto and to provide the command signals to the second processor, [the] second processor programmed to convert command signals corresponding to one of the control signals and to provide the corresponding one of the control signals to the first processor (via use of the table in col.3).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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9. Claims 18-29 are allowable for the reasons indicated below. Claims 5, 8, and 33 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim. Claims 13, 30 and 31 would be allowable if rewritten to overcome the 35 U.S.C. § 112 confusion noted above. Claims dependent from claims 5, 8, and 33 would be allowable if dependent on rewritten claims 5, 8, or 33 respectively. The reasons for indication of allowable subject matter at this time are as follows: The prior art of record at this time does not teach, with respect to claim 5, the message playback devices include optical disc players, a processing device, a disc with tracks for storing messages, and a receiver which receives the control signals via the communications link and which commands the processing device to go to a selected track to play a corresponding message. With respect to claim 8, the prior art of record at this time does not teach the computer includes display device and is programmable to generate screens thereon to guide an operator to make choices including at least one of the options listed and to generate control signals to implement the choices. Claims 9-17 further depend from claim 8 and would also be allowable if dependent on a rewritten claim 8 which includes all of the limitations of the base claim and any intervening claim. With respect to claim 18, the prior art of record does not teach including a plurality of second computer each configured to communicate with the first controlling computer and which are programmable to generate screens for guiding the operator to make at least the choices so listed as per claim 8 and which then transmit the signals to the first computer which in turn generates the control signals to be transmitted to the message playback devices. Claims 19-21 depend from and further limit claim 18 and thus are also allowable. With respect to claims 22, 26 and 28, the prior art of record at this time does not teach method of programming message playback devices comprising storing library of messages at each remote site and storing an ID or title for identifying each message at a computer remotely located with respect to the message playback devices, and storing site data relating to a selected one of the remote sites at the computer and selecting at least one of the messages from the library at the selected remote site using the computer and responsively generating a control signal by the computer for the

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selected message corresponding to the remote site to play the selected message and transmitting the control signal to the remote site. Claims 23-25, 27, and 29 depend respectively from claims 22, 26, and 28 are thus also indicated as directed toward allowable subject matter. With respect to claim 30, the prior art of record at this time does not teach the programmable message delivery system including inter alia, the processor programmable to enable an operator to select at least one of the messages using the message data and the input device to access the selected message via the storage device and to provide the selected message to the input device via the output circuit for play through the output. Claim 31 depends from and further limits claim 30. With respect to claim 33, the prior art of record at this time does not teach that the command signals are either radio paging signals or wireline communication signals. Claims 34-35 are dependent from claim 33 and so would be allowable if dependent on a rewritten claim 33

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is (703) 308-6974. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista M. Zele, can be reached on (703) 305-4701.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Scott L. Weaver
Primary Patent Examiner
Group 2700

5/20/98